

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WITCO CORPORATION )  
Plaintiff, )  
 )  
v. )  
 )  
HERZOG BROTHERS TRUCKING )  
INC., )  
Defendant, ) Misc. No. 96-75 Erie  
 )  
v. )  
 )  
NATIONAL CITY BANK OF )  
PENNSYLVANIA )  
Garnishee. )

**O R D E R**

AND NOW, this 28<sup>th</sup> day of July, 2005, the Courts previous Order dated April 3, 2002, having been vacated by the United States Court of Appeals for the Third Circuit by Judgement entered June 10, 2005,

IT IS HEREBY ORDERED THAT Witco's Motion for Summary Judgement (Doc. No. 11) is GRANTED and National City's Motion for Summary Judgment (Doc. No. 17) is DENIED.

Judgment is entered in favor of Witco Corporation.

s/Sean J. McLaughlin  
SEAN J. MCLAUGHLIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT**

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